

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ELSA GULINO, MAYLING RALPH, PETER WILDS,
and NIA GREENE, on behalf Of themselves and all others
similarly situated,

Plaintiffs,

-against-

THE BOARD OF EDUCATION OF THE CITY SCHOOL
DISTRICT OF THE CITY OF NEW YORK; and NEW
YORK STATE EDUCATION DEPARTMENT,

Defendants.

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**AMENDED DECLARATION
OF EAMONN F. FOLEY**

96 Civ. 8414 (KMW)

EAMONN F. FOLEY declares, pursuant to 28, U.S.C. § 1746, that the following
is true and correct:

1. I am an Assistant Corporation Counsel in the offices of Michael A. Cardozo,
Corporation Counsel of the City of New York, attorney for defendant the Board of Education of
the City School District of the City of New York ("City Board") in the referenced action.

2. I make this declaration in support of City Board's Opposition to Plaintiffs'
Motion for Injunctive Relief.

3. Attached hereto as Exhibit A is copy of the Liberal Arts and Sciences Test
(LAST) Test Framework.

4. Attached hereto as Exhibit B is copy the Academic Literacy Skills Test
(ALST) Test Design and Framework.

5. Attached hereto as Exhibit C is a copy of the Educating All Students (EAS)
Test Design and Framework.

6. Attached hereto as Exhibit D is a copy of a Letter to Colleagues from John B. King, Jr., Commissioner New York State Education Department, dated March 23, 2012.

7. Attached hereto as Exhibit E is a copy of the New York State Education Department's ("SED") Guidance on New York State's Certification Examinations For Teachers and School Building Leaders.

8. Attached hereto as Exhibit F is a copy of the New York State Teacher Certification Examinations ("NYSTCE") Testing Program Update.

9. Attached hereto as Exhibit G is a copy an Opinion and Order of the Honorable Judge Kimba M. Wood in *Gulino v. Bd. of Educ. of the City School Dist. of the City of New York*, Docket Number 96-CV-8414(KMW), dated January 28, 2013.

10. Attached hereto as Exhibit H is a copy an Order of the Second Circuit Court of Appeals in *Gulino v. Bd. of Educ. of the City School Dist. of the City of New York*, Docketed as 13-472, filed April 3, 2013.

11. Attached hereto as Exhibit I is a copy the Declaration of Jeanne Clayton, dated December 4, 2008.

12. Attached hereto as Exhibit J is a copy of the parties' joint letter to the Court sent from Assistant Corporation Counsel Eamonn F. Foley and Joshua S. Sohn, dated November 9, 2009.

13. Attached hereto as Exhibit K is a copy of the Brief for Amicus Curiae New York State Education Department in Support of Appellant in *Gulino v. Bd. of Educ. of the City*

School Dist. of the City of New York, Docket Number 13-1001, dated July 9, 2013.

I declare, under penalty of perjury, that the foregoing is true and correct.

Dated: July 22, 2013

New York, New York


EAMONN F. FOLEY